



MARKED

**City Of Scottsdale
JUDICIAL APPOINTMENTS ADVISORY BOARD
Regular Meeting
Notice and Agenda
6:00 p.m., Thursday, June 2, 2011
Human Resources Pinnacle Training Room
7575 E. Main Street**

CALL TO ORDER—6:06 p.m.

ROLL CALL

Paul Rybarsyk, Chair; Donald Alvarez, Vice-Chair; Dr. Ira Ehrlich, Judge Jean Hoag, Judge John Rea, Francis Scanlon, and Kenneth Weingarten—Present

Possible Executive Session

Notice is hereby given that at any time during this meeting, the Judicial Appointments Advisory Board may make a motion to recess into Executive Session for Items No. 5 & 6 with all reasonably necessary City Staff, to discuss and consult with the attorneys and representatives of the public body for legal advice and/or to discuss confidential records/information pursuant to A.R.S. §38-431.03(A)(2) and (A)(3).

1. APPROVAL OF MINUTES OF PUBLIC MEETING CONDUCTED ON APRIL 21, 2011

Action: Formal motion and vote to approve the minutes of the public meeting held on April 21, 2011.

Approved 7-0; Vice-Chair Alvarez moved to approve the April 21, 2011 regular meeting minutes as amended, seconded by Board Member Scanlon.

2. APPROVAL OF EXECUTIVE SESSION MINUTES OF PUBLIC MEETINGS CONDUCTED ON MARCH 24, 2011 AND APRIL 21, 2011

Action: Formal motion and vote to approve the executive session minutes of the public meetings held on March 24, 2011 and April 21, 2011.

Approved 7-0; Board Member Hoag moved to approve the March 24, 2011 executive session meeting minutes as presented, seconded by Vice-Chair Alvarez.

3. PUBLIC COMMENT

The purpose of this item is to give the public an opportunity to give comments or input regarding the performance and reappointment of Judge Olcavage.

Action: Hearing of public comment or input and possible dialogue between Board members and those giving comment or input related to the reappointment of Judge Olcavage.

CLOSE PUBLIC COMMENT

4. DISCUSSION OF JUDICIAL SURVEY RESULTS ON ASSOCIATE CITY JUDGE JOSEPH OLCAVAGE

Action: For information and discussion only.

5. DISCUSS THE BOARD'S GENERAL DELIBERATIVE PROCESS REGARDING JUDICIAL APPOINTMENTS; DISCUSS THE OPEN MEETING LAW AND ETHIC'S CODE INCLUDING THE LIMITED USE OF EXECUTIVE SESSIONS; DISCUSS AND CONSIDER THE BOARD'S PRACTICE TO MOVE INTO EXECUTIVE SESSIONS TO DISCUSS CONFIDENTIAL RECORDS/INFORMATION RELATED TO JUDICIAL PERFORMANCE; AND DISCUSS, CONSIDER AND TAKE POSSIBLE ACTION REGARDING WHETHER SOME GENERAL DISCUSSION COULD TAKE PLACE DURING THE OPEN MEETING WITHOUT REVEALING ANY CONFIDENTIAL INFORMATION.

When considering this item, the Board may discuss and consider its general practice and process in evaluating judicial appointments and reappointments, including a possible discussion on the Open Meeting Law and the City's Ethics Code, mainly as it relates to Executive Sessions and open government. The Board will discuss and consider its options under the open meeting law, primarily related to its discussion of confidential records and possible confidential information gathered during Board Member interviews of those who may have personal experience regarding a judge's performance. The Board may possibly vote to modify or clarify its public meeting and deliberative process.

Action: Discussion, consideration and possible action regarding the Boards' judicial evaluation and public hearing process including a possible vote to move into an Executive Session for the purpose of receiving legal advice on this item.

Approved 6-1; Chair Rybarsyk moved that the Judicial Appointments Advisory Board adopt a policy that when conducting due diligence interviews on the reappointment/appointment of any judge of the court that all interview responses are presumed confidential unless the interviewee gives permission to discuss their responses in open session, seconded by Vice-Chair Alvarez. Board Member Scanlon abstained.

6. DISCUSSION OF CONFIDENTIAL RECORDS AND CONFIDENTIAL INFORMATION RELATED TO JUDGE OLCAVAGE'S PERFORMANCE OR REAPPOINTMENT

- A. The Board may generally discuss and consider confidential records related to Judge Olcavage and may generally discuss and consider confidential information gathered during possible Board Member interviews of those who may have personal experience related to a Judge Olcavage's performance during the public meeting **in a manner which does not violate confidentiality requirements; and/or**
- B. The Board may move to go into an executive session for the limited purpose of receiving legal advice on this item or for the limited purpose of more fully discussing some or all of the confidential records or confidential information gathered during Board Member interviews of those who may have personal experience related to a Judge Olcavage's performance.

Action: Discussion, consideration and possible action including a possible vote to move into an Executive Session for the purpose of discussing confidential records/information or receiving legal advice on this item.



Persons with a disability may request a reasonable accommodation by contacting Valerie Wegner at (480) 312-7679. Requests should be made 24 hours in advance or as early as possible to allow time to arrange the accommodation. For TTY users, the Arizona Relay Service (1-800-367-8939) may contact Valerie Wegner at (480) 312-7679.

Approved 7-0; Chair Rybarsyk moved to go into Executive Session to discuss confidential records related to Judge Olcavage's performance, seconded by Board Member Scanlon. – 6:55 p.m.

7. DISCUSS QUESTIONS FOR INTERVIEW OF JUDGE OLCAVAGE

The Board will discuss possible interview questions in preparation for the formal interview with Judge Olcavage.

Action: For information and discussion only.

8. INTERVIEW OF JUDGE OLCAVAGE

The Board will conduct an interview with Judge Olcavage for consideration of reappointment to the position of Associate City Judge.

Action: Hearing of Judge Olcavage's comments or input and interview and dialogue between Board members and Judge Olcavage related to his appointment as an Associate City Judge.

9. DISCUSSION OF AND REAPPOINTMENT RECOMMENDATION REGARDING JUDGE OLCAVAGE

The Board will have an opportunity to review and discuss all relevant public information and previously received public input pertaining to the reappointment application of Judge Olcavage. If the Board is ready to proceed with a recommendation as to whether it does or does not recommend reappointment of Judge Olcavage, this will be done through a formal motion, second and vote of the Board.

The Board will also discuss and determine the process for communicating the recommendation to the City Council, including making a presentation to the City Council and/or being available to answer questions, regarding its recommendation on Judge Olcavage's reappointment.

Action: Formal motion and vote on recommendation to the City Council regarding reappointment. Discussion and possible direction to staff regarding communicating the Board's recommendation to the City Council.

Approved 7-0; Vice-Chair Alvarez moved to recommend reappointment of Judge Joseph Olcavage, seconded by Board Member Hoag.

10. FUTURE AGENDA ITEMS*

Action: No discussion, but possible direction to staff relating to placing items on future agenda(s).

ADJOURNMENT—Approximately 8:01 p.m.

*Note: The Board cannot discuss or vote on items not on the posted agenda, including items brought up as Board, staff or public comments, if any. If action by the Board is needed, the item should be placed on a future agenda in compliance with the Arizona Open Meetings Law.



Persons with a disability may request a reasonable accommodation by contacting Valerie Wegner at (480) 312-7679. Requests should be made 24 hours in advance or as early as possible to allow time to arrange the accommodation. For TTY users, the Arizona Relay Service (1-800-367-8939) may contact Valerie Wegner at (480) 312-7679.